

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IMMERSION RESEARCH, INC., on behalf of
itself and all others similarly situated,

Plaintiffs,

vs.

WILLIAM PRYM GMBH & CO., KG; PRYM
CONSUMERS USA, INC.; PRYM FASHION,
INC.; YKK CORPORATION; YKK
CORPORATION OF AMERICA, INC.; YKK
(U.S.A.) INC.; YKK SNAP FASTENERS
AMERICA, INC.; COATS PLC; COATS
NORTH AMERICA DE REPUBLICA
DOMINICANA, INC.; AND SCOVILL
FASTENERS, INC.,

Defendants.

Civil Action No. 1:07 CV 10459

**WAIVER OF SERVICE OF
SUMMONS**

JURY TRIAL DEMANDED

TO: Elizabeth K. Tripodi

On behalf of Defendants Scovill Fasteners, Inc. ("Scovill"), I acknowledge receipt of your request that Defendants, Scovill, waive service of a summons in the above-captioned action. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that the Scovill be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

Scovill will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against Scovill if an answer or motion under Rule 12 of the Federal Rules of Civil Procedure is not served upon you within 60 days after December 13, 2007 (date request was sent).

Date: 18 Dec 07

Signature:



Mark Rogers
Smith, Gambrell & Russell, LLP
Promenade II, Suite 3100
1230 Peachtree Street, N.E.
Atlanta, GA 30309

*Counsel for Defendant Scovill
Fasteners, Inc.*

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.